

### REMARKS

The Examiner rejected claims 32-33 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner indicated that “the specification fails to describe how the segment is excluded from the host system.” Applicant respectfully disagrees, because page 10, lines 3-12, of the specification clearly describes one example of exclusion, namely that a segment may be excluded by corrupting it, generating an error and causing a receiving station to “discard the corrupted” segment. Specifically, the specification describes:

Alternatively, to simplify the processing of frames entering or leaving the buffer, the excluded frames may be intentionally corrupted so that the frames generate an error at a receiving end station causing the end station to discard the corrupted frames.

In one approach to corrupting a frame, the transmission filter 220 sets the VID to an unused or illegal value. A VLAN-aware switch between the source and destination end stations, or a filter in the destination end station will discard the unrecognized frame. P.10, lines 3-12.

The Examiner rejected independent claims 1, 17, 27 and 38 under 35 U.S.C. 103 as obvious over Yuasa (U.S. Patent 6,085,238) in combination with Kwan (U.S. Patent Application No. 2004/0255154).

Claim 1 recites that “a portion of the segment” is compared “with an identifier for a selected broadcast domain.” The Examiner cites two passages from Yuasa as teaching this limitation: (a) col. 26, lines 63-67 and col. 27, lines 1-15 and (b) col. 34, lines 49-62.

The first cited passage from Yuasa clearly fails to teach this limitation and instead describes a “segment management table” for classifying ports with microsegments. Yuasa states that: “a segment management section 101 has a segment management table . . . for indicating and managing which microsegments S1-S14 each port P1-P4 belongs to (which microsegments S1-14 each port is a member of).” Col. 24, lines 63-66. Assuming *arguendo* that Yuasa even teaches “comparing,” Yuasa only teaches comparing microsegments to ports. However, a port is not a “selected broadcast domain” and therefore, Yuasa does not teach comparing microsegments to “an identifier for a selected broadcast domain,” as required by claim 1. Moreover, Yuasa doesn’t even teach “comparing.”

Instead, the "segment management table" simply "indicates" the ports that belong to certain microsegments.

The second cited Yuasa passage (col. 34, lines 49-62) also fails to teach "comparing" and "a selected broadcast domain." In contrast to claim 1, collation, not comparison, of data is taught by Yuasa. In this regard, Yuasa describes "The VLAN control section 129 collates the VLAN-ID tag of the received VLAN multiplexed data (packet) with the VLAN table for sorting the data to microsegments." (Col. 34, lines 55-58). Moreover, the data are not collated or sorted according to "a selected broadcast domain" but rather are sorted according to microsegments, representing parts of a data packet ("a packet being transmitted and received in microsegment units" col. 9, lines 18-19).

The Examiner cites Kwan paragraphs 0070-0071 as teaching the third limitation of claim 1: "excluding the segment of data from transmission from the host system based on the comparison." However, the Examiner has misconstrued Kwan, because Kwan does not exclude data based on comparing the portion of the segment and the identifier for the selected broadcast domain.

Instead, Kwan teaches an authentication scheme where an "authentication server sends an accept message to a network switch" [0063] that may include a "VLAN ID . . . assigned to a user based on security credentials" [0068]. Kwan's VLAN ID is part of a user's access profile and is therefore not included within any accepted segment of data, "a portion of the [accepted] segment identifying a broadcast domain." Rather, Kwan describes: "The VLAN ID is included in an access profile for the user, which is configured by a network administrator and maintained in a database by an authentication server." [0067]

Kwan paragraph 0071 teaches that before the receipt of data packets, a determination is made regarding whether the data packets are blocked or accepted. Based on the VLAN ID in the accept message, a VLAN is assigned a port that is configured to either block or accept traffic, without additional reference to VLAN IDs contained in individual data packets. Regarding blocking, Kwan describes: "if the network switch does not support the VLAN identified by the VLAN ID, network switch assigns the port to a default port . . . and all traffic on the port is blocked." [0071] Analogously, Kwan describes that the acceptance of packets is also based on the VLAN ID in the accept message: "if the network switch does support the VLAN identified by the VLAN ID, then network switch assigns the port to that VLAN and then accepts packets from user device." [0071]

In claim 1, a data segment is excluded based in part on its identified broadcast domain. Therefore, the excluded data segment and the data segment that identifies the broadcast domain are the same. Conversely, in Kwan, the VLAN ID is not included in the data packet that is accepted or blocked, but is instead included in a different data packet: the accept message. Accordingly in Kwan, blockage of or acceptance of packets is independent of any information actually contained within those packets, instead being determined ahead of time based on the VLAN ID included in the accept message. Therefore, the Kwan reference fails to teach "excluding the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain."

Additionally, Kwan paragraph 0070 describes checking whether the VLAN ID corresponds to a VLAN supported by a network switch. In this regard, Kwan states: a "network switch determines if the VLAN ID identifies a valid VLAN for network switch . . . network switch performs this step by comparing the VLAN ID from the accept message with a stored list of valid VLANs for network switch." [0070] In claim 1, the comparison is between the segment of data and the identifier for a selected broadcast domain. Claim 1 has been amended to make this distinction more clear. However, in Kwan, the VLAN ID is compared to a "list of valid VLANs," and not an identifier for a selected broadcast domain.

Accordingly, the Applicant respectfully asserts that the combination of teachings of Yuasa and Kwan is not a proper basis for a 35 U.S.C. 103 rejection, as the combination of Yuasa and Kwan fails to disclose each and every element of claim 1.

Claims 17, 27, and 38 are patentable for at least the reasons discussed above with regard to claim 1. All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

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Respectfully submitted,

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